



Costs Decision

Site visit made on 14 July 2026

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2026

Costs application in relation to Appeal Ref: APP/U2750/X/25/3359984

6 Aireview Terrace, Broughton Road, SKIPTON, BD23 1RX

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Benjamin Guy for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of the Council to issue a certificate of lawful development for a rear dormer extension.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council's Decision Notice does not provide the reasons why the LDC was refused. That lack of clarity carries on as the notice describes the development was lawful and beyond enforcement. It refers to a permission relating to the plans submitted by the appellant. Only on reading of the associated officer report, is the reason for refusal made clear.
4. The report highlights that the LDC was refused because the rear roof faced a 'highway' as defined by the Town and Country Planning (General Permitted Development) Order 2015 (as amended). However, as I have found, that approach was misplaced. While an alternative understanding of the statute on fair reading is perhaps not unreasonable, being inconsistent with other decisions made by the Council on comparable applications and proposals featuring similar circumstances, is. Where Council's depart from the principle of consistent decision-making, the reasons for doing so should be clearly stated to justify any alternative stance. That did not occur here.
5. Further, the Council's appeal statement seemingly sought to extend the reasoning beyond their initial assessment by introducing an argument that the principal elevation could now be considered to be the rear elevation. This was despite recognising the requirement in the Governments Technical Guidance for a view to be taken to establish only **one** principal elevation, and in explicitly acknowledging the rear elevation was not the principal elevation in the officer report.
6. I find that in the absence of clear reasoning for the refusal of the certificate, the unjustified change in decision-making, and shift in their reasoning to support their

case at appeal, the Council have acted unreasonably and this has caused the appellant to incur unnecessary and wasted expense in the appeal procedure and a full award of costs is therefore warranted.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that North Yorkshire Council shall pay to Mr Benjamin Guy, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to North Yorkshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

R Hitchcock

INSPECTOR